

## CHAPTER 9: EXTRADITION

### §3-9-101 Who May Be Extradited.

Any person residing, located or present within the exterior boundaries of the Spirit Lake Reservation for whose arrest a warrant has been issued by any court of any state, federal court or by the duly constituted Tribal Court of any organized Indian Tribe or Reservation, for the alleged commission of an offense beyond the jurisdiction of the Courts of the Spirit Lake Tribe, may be extradited to another jurisdiction as provided herein.

### §3-9-102 Preparation of Request for Extradition.

A verified copy of the Warrant for Arrest under the signature and seal of the authorities of such other court requesting extradition, may be presented to the Judicial Clerk, and upon information stated in the warrant, a request for extradition shall be prepared, with the assistance of the Judicial Clerk, and signed by an authorized representative of the jurisdiction seeking the extradition. The Judicial Clerk or the Prosecutor shall present the request to the Tribal Judge.

*Investigation*

### §3-9-103 Preliminary Determination of Validity.

The Tribal Court shall promptly examine the warrant and request, and shall consider such other relevant information as may be presented to the Tribal Court by any person. The Tribal Court shall make a preliminary determination of the apparent validity of the warrant.

*Investigation*  
*Warrant*

### §3-9-104 Issuance of Arrest Warrant; Hearing and Bail.

Upon preliminary determination by the Tribal Court of the apparent validity of the warrant, the Tribal Court shall issue a

Warrant for the Arrest of the alleged offender. Upon arrest of that person, the person shall be brought before the Tribal Court for a hearing not less than 5 days after the arrest. Bail may be allowed pending the hearing. The Tribal Court shall conduct a hearing to determine the validity of the warrant issued by the jurisdiction seeking extradition, whether the person before the Court is the same person charged in the warrant and to consider other relevant circumstances as may be presented to the Tribal Court.

§3-9-105 Issuance of Removal Order.

Upon a determination that the warrant from the jurisdiction seeking extradition is valid, the person in custody is the person charged in the warrant, and after considering all other matters, the Court may execute an order authorizing and directing removal of the alleged offender by the appropriate officials of the jurisdiction seeking extradition.

§3-9-106 Execution of Order; Notification to Jurisdiction Seeking Extradition.

If the Tribal Court executes such an order, the Judicial Clerk shall then notify the jurisdiction seeking extradition that the alleged offender is in custody and that the alleged offender must be removed within 5 days.

§3-9-107 Failure to Remove.

If an appropriate official of the jurisdiction seeking removal does not appear within the allotted time, the person taken into custody shall be released and shall not be taken into custody again for the same charge except upon issuance of a new warrant by the jurisdiction seeking extradition.

83-9-108 Sanctions for Lack of Reciprocity.

In no case shall a Warrant for Arrest from a court of another jurisdiction be honored if that jurisdiction, by its laws, rules or practices prohibits or refuses to provide reciprocal extradition of person who may be subject to a Warrant for Arrest issued by the Spirit Lake Tribal Court.

83-9-109 Stay of Extradition.

If an order of the Tribal Court authorizing extradition is entered, and upon appeal to the Northern Plains Intertribal Court of Appeals, that order is approved or confirmed, the Tribal Council in its discretion shall have the authority, upon a vote of not less than 2/3 of its total membership, to direct that the order for extradition be stayed indefinitely or for such time as may be prescribed by the Tribal Council. Bail may be allowed during such stay in such amount and on such terms as may be prescribed by the Tribal Court.